

INTERPRETATION ACT, 1960 (CA 4)

As amended by

THE INTERPRETATION (AMENDMENT) ACT, 1961 (ACT 92)1

THE INTERPRETATION (AMENDMENT) (NO.2) ACT, 1962 (ACT 145)2

INTERPRETATION ACT (AMENDMENT) LAW, 1982 (PNDCL 12)3

LOCAL ADMINISTRATION ACT, 1971 (ACT 359).4

LOCAL GOVERNMENT ACT, 1993 (ACT 462).5

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AN ACT
OF THE CONSTITUENT ASSEMBLY OF GHANA
ENTITLED

THE INTERPRETATION ACT, 1960

AN ACT to provide for the interpretation of the Constitution and other enactments.

DATE OF PASSING: 29th June, 1960

WHEREAS by section 2 of the Constituent Assembly and Plebiscite Act, 1960 (No. 1) this Constituent Assembly is authorised to enact such provisions for or in connection with the establishment of a new Constitution as it thinks fit:

AND WHEREAS it is expedient to enact the provisions hereinafter appearing in consequence of the enactment of the Constitution:

NOW THEREFORE BE IT ENACTED by the Constituent Assembly as follows:—

Section 1—Application.

Each provision of this Act applies to every enactment being—

(a) the Constitution, an Act (including this Act) of the Constituent Assembly or of the Parliament of the Republic of Ghana.

(b) a legislative measure continued in force by the Constitution, or

(c) an instrument made (directly or indirectly) under any such enactment, except insofar as the contrary intention appears in the enactment.

Operation of Enactments

Section 2—Long Title and Preamble.

The long title and the preamble form part of an Act intended to assist in explaining the purport and object of the Act.

Section 3—Punctuation.

Punctuation forms part of an enactment and may be used as an aid to its construction.

Section 4—Headings and Marginal Notes.

An arrangement of sections or of similar divisions of an enactment placed at the front of an enactment, an arrangement of sections or of similar divisions of an enactment placed at the front of an enactment, titles placed at the head or beginning of any subdivision of an enactment and notes and references placed at the side of any provision are intended for convenience of reference only and do not form part of the enactment.[As amended by the Interpretation (Amendment) Act, 1961 (Act 92) s.1]

Section 5—Descriptive Words.

Words in an enactment descriptive of another enactment are intended for convenience of reference only and shall not be used as an aid to the construction of the enactment to which they refer.

Section 6—Amended, Substituted and Applied Enactments.

A reference in an enactment to any enactment shall be construed as a reference to it as for the time being amended by any provision, including a provision contained in the enactment in which the reference is made or in a later enactment.

Where an enactment is repealed or revoked and another enactment is substituted, by way of amendment, revision or consolidation, a reference to the repealed or revoked enactment shall be construed as a reference to the substituted enactment.

Where an enactment applies another enactment, whether with or without modification, and the applied enactment is subsequently repealed or revoked it shall continue to apply according to the terms of the enactment which applies it, notwithstanding the repeal or revocation.

Section 6A—Authorisation of Reprinting.

(1) Where any enactment is amended, the Minister responsible for Justice may authorise the reprinting of such enactment as so amended.

(2) Where any enactment is reprinted under the authority granted under subsection (1) of this section, every copy of the enactment as so reprinted shall be deemed to be the authentic and correct copy of the enactment on the date of the reprinting if,

(a) the date of such reprinting is printed on the copy; and

(b) the copy purports to be printed by the Government Printer.[As Inserted by the Interpretation (Amendment) (No.2) Act, 1962 (Act 145), s.1]

Section 6B—Validation of Certain Previous Reprints.

Every copy of an enactment which was amended, and thereafter reprinted by the Government Printer or under his authority, between the first day of July, 1960 and the date of the commencement of this Act shall be deemed to be the true and authentic copy of such enactment, notwithstanding that the provisions of section 6A of the principal Act (inserted by section 1 of this Act) were not complied with[Inserted and to be cited as the Interpretation (Amendment) (No.2) Act, 1962 (Act 145), s.2].

Section 7—Textual Insertion not Affected by Repeal of Amending Enactment.

The repeal or revocation of an enactment which provides for a textual insertion in another enactment shall not affect the insertion and the text of the altered enactment shall continue to stand as altered, notwithstanding the repeal or revocation.

Section 8—Effect of Repeal, Revocation or Cesser.

(1) The repeal or revocation of an enactment shall not—

(a) revive anything not in force or existing at the time when the repeal or revocation takes effect; or
(b) affect the previous operation of the enactment or anything duly done or suffered thereunder; or
(c) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or
(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed thereunder; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the enactment had not been repealed or revoked.

(2) When an enactment expires, lapses or otherwise ceases to have effect this section shall apply as if the enactment had then been repealed or revoked.

Section 9—Effect of Substituting Enactment.

Where an enactment is repealed or revoked and another enactment is substituted, by way of amendment, revision or consolidation—

(a) all authorities and persons established or acting under the repealed or revoked enactment shall continue to be established, or to be entitled to act, under the substituted enactment; [As amended by the Interpretation (Amendment) Act, 1961, (Act 92), s.2]

(b) every bond and security given by a person appointed under the repealed or revoked enactment shall remain in force and all books, papers and things used under it shall continue to be used so far as consistent with the substituted enactment; and

(c) all proceedings taken under the repealed or revoked enactment shall be prosecuted and continued under and in conformity with the substituted enactment, so far as consistently may be.

Construction of Powers and Duties

Section 10—Statutory Powers and Duties.

(1) Where an enactment confers a power or imposes a duty the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an enactment confers a power, or imposes a duty, to do any act or thing all such powers shall be deemed to be also given as are reasonably necessary to enable that act or thing to be done or are incidental to the doing thereof. [As amended by the Interpretation (Amendment) Act, 1961, (Act 92) s.3]

Section 11—Power to Grant Licences, Authorisations and Permits.

Where an enactment confers power to grant a licence, authorisation or permit, the power includes power to revoke, suspend or amend the licence, authorisation or permit.

Section 12—Appointments to Office.

(1) Where an enactment confers a power to appoint a person to an office, whether for a specified period or not, the power includes—

- (a) power to remove or suspend him;
- (b) power, exercisable in the manner and subject to the limitations and conditions applicable to the power to appoint—
 - (i) to reappoint or reinstate him;
 - (ii) to appoint a person to act in his stead either generally or in regard to specified functions, during such time as the authority in whom the power of appointment to the office is vested considers expedient.
- (2) A reference in an enactment to the holder of an office shall be construed as including a reference to a person for the time being appointed to act in his stead, either, as the case may require, as respects the functions of the office generally or the functions in regard to which he is appointed.

Procedure and Practice

Section 13—Service of Documents.

(1) Where an enactment authorises or requires a document to be served on any person without directing it to be served in a particular manner the service of the document may be effected either—

- (a) by personal service, or
- (b) by post in accordance with subsection (2) of this section, or
- (c) by leaving it for him with some person apparently over the age of sixteen at his usual or last known place of abode or business, or
- (d) in the case of a corporate body or an unincorporated body of persons, by delivering it to the secretary or clerk of the body at the registered or principal office of the body or serving it by post in accordance with subsection (2) of this section on the secretary or clerk at his office, or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of, or person having a particular estate or interest in, premises on whom the document should be served, by addressing the document to him by the description "owner" or "occupier" of, or by the description of the particular estate or interest in, the premises (naming them) to which the document relates, and by delivering it to some person apparently over the age of sixteen on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(2) Where an enactment authorises or requires a document to be served by post, whether the word "serve" or some other word is used, service may be effected by prepaying, registering and posting an envelope containing the document, addressed to the person on whom the document is to be served at his last known postal address; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which the envelope would have been delivered in the ordinary course of post.

Section 14—Rules of Court.

Where an enactment confers jurisdiction on a court or other tribunal or varies its jurisdiction, the authority having for the time being power to make rules regulating the practice and procedure of that court or tribunal may make such rules as appear to the authority to be necessary or expedient for regulating the practice and procedure of the court or tribunal in the exercise of the jurisdiction.

Section 15—Administration of Oath.

Where by an enactment power is conferred to require evidence to be given on oath otherwise than in a court the power includes power to administer the oath, or take an affidavit or statutory declaration. [As substituted by the Interpretation (Amendment) Act, 1961 (Act 92), s.4]

Section 16—Deviation in Forms.

Where a form is prescribed or specified by an enactment, deviations from the form not materially affecting the substance or calculated to mislead shall not invalidate the form used.

The Common Law and Customary Law

Section 17—The Common Law.

(1) The common law, as comprised in the laws of Ghana, consists, in addition to the rules of law generally known as the common law, of the rules generally known as the doctrines of equity and of rules of customary law included in the common law under any enactment providing for the assimilation of such rules of customary law as are suitable for general application.

(2) In the case of inconsistency, an assimilated rule shall prevail over any other rule, and a rule of equity shall prevail over any rule other than an assimilated rule.

(3) While any of the statutes of general application continue to apply by virtue of the Courts Act, 1960 (C.A. 9), they shall be treated as if they formed part of the common law, as defined in subsection (1), prevailing over any rule thereof other than an assimilated rule.

(4) In deciding upon the existence or content of a rule of the common law, as so defined, the Court may have regard to any exposition of that rule by a court exercising jurisdiction in any country.

(5) A reference in an enactment to the common law shall be construed as a reference to it as affected by any enactment for the time being in force.

Section 18—Customary Law.

(1) Customary law, as comprised in the laws of Ghana, consists of rules of law which by custom are applicable to particular communities in Ghana, not being rules included in the common law under any enactment providing for the assimilation of such rules of customary law as are suitable for general application.

(2) A reference in an enactment to a customary law shall be construed as a reference to it as affected by any enactment for the time being in force.

Interpretation of Enactments

Section 19—Use of Text-Books and Other Publications in Construction of Enactments.

(1) For the purpose of ascertaining the mischief and defect which an enactment was made to cure and as an aid to the construction of the enactment a court may have regard to any text-book or other work of reference, to the report of any commission of inquiry into the state of the law, to any memorandum published by authority in reference to the enactment or to the Bill for the enactment and to any papers laid before the National Assembly in reference to it, but not to the debates in the Assembly.

(2) The aids to construction referred to in this section are in addition to any other accepted aid.

Section 20—Republic: When Bound.

The Republic shall not be bound by an enactment except by express terms or by necessary implication.

Section 21—Construction of Statutory Instrument.

A statutory instrument shall be construed as one with the Act under which it is made.

Section 22—Time.

(1) References in an enactment to time are to Greenwich mean time.

(2) Where in an enactment a period of time is expressed to begin on a particular day, that day shall be included in the period.

(3) Where in an enactment a period of time is expressed to be reckoned from, or after, a particular day, that day shall not be included in the period.

(4) Where in an enactment a period of time is expressed to end on, or be reckoned to a particular day, that day shall be included in the period.

(5) Where the time limited by an enactment for the doing of anything expires on a Sunday or a public holiday, the time so limited shall extend to and the thing may be done on the first following day that is not a Sunday or a public holiday.

(6) Subsections (2) to (5) of this section apply in relation to a period expressed in days whether or not the number of days is expressed to be clear days.

(7) Where in an enactment anything is required to be done on a particular day, then, if that day happens to fall on a Sunday or public holiday, the thing shall be considered as duly done if it is done on the first following day that is not a Sunday or public holiday.

Section 23—Reckoning of Periods of Time by the Calendar: Month and Year.

(1) In an enactment "month" means a calendar month, that is to say, a month reckoned according to the calendar.

(2) If the period indicated in the enactment begins on any date other than the first day of any of the twelve months of the calendar it is to be reckoned from the date on which it is to begin to the date in

the next month numerically corresponding, less one, or, if there is no corresponding date, to the last day of that month.

For example: a month beginning on 15th January ends on 14th February; a month beginning on 31st January ends on 28th February (or 29th February in a leap year).

(3) If the indicated period is one of two, three or more months, it is to be reckoned from the date on which it is to begin to the date numerically corresponding, less one, in the second, third or other successive month thereafter or, if there is no such corresponding date, to the last day of the latter month.

For example: a period of six months beginning on 15th August ends on 14th February; a period of six months beginning on 30th or 31st August ends on 28th February (or 29th February in a leap year).

(4) In an enactment "year" means a period of twelve months.

Section 24—Distance.

In the measurement of distance for the purpose of an enactment, the distance shall be measured in a straight line on a horizontal plane and may be determined by reference to the most recent edition of a Government survey map available at the time of determination unless that distance is proved incorrect as to the particular distance which is to be determined.

Section 25—Age.

For the purpose of an enactment a person shall be regarded as having attained a given age at the beginning of the day on which the anniversary of his birth occurs and not on the previous day.

Section 26—Gender and Number.

(1) In an enactment words importing the male sex include females and words importing the female sex include males.

(2) Where an enactment employs the term "person" or "party", the use of a pronoun importing the masculine gender shall not of itself be construed as limiting the term to a natural person.

(3) In an enactment—

(a) words in the singular include the plural, and

(b) words in the plural include the singular.

Section 27—"Shall" and "May".

In an enactment made after the passing of this Act, "shall" shall be construed as imperative and "may" as permissive and empowering.

Section 28—Corresponding Parts of Speech.

Where a word is defined in an enactment other parts of speech and grammatical variations of that word have corresponding meanings.

Section 29—Reference to Series of Provisions.

Where a consecutive series of provisions of an enactment is described by reference to the first and last in the series, the description shall be read as including such first and last provisions.

Section 30—Names Commonly Used.

In an enactment a name commonly applied to a country, place, public department, body, corporation, society, authority, officer, functionary, or other person or thing whatsoever means that to whom or to which the name is commonly applied, notwithstanding that it is not the formal name or that it is abbreviated.

Section 31—Country.

A reference in an enactment to a country includes reference to any territory for whose international relations that country is responsible.

Section 32—Interpretation of Particular Terms.

(1) In an enactment—

"Act" or "Act of Parliament" means the Constitution, an Act of the Constituent Assembly or of Parliament, or any legislative measure of an authority formerly exercising power to make laws for the territory or any part of the territory comprised in the Republic but does not include a statute of general application, continuing to apply by virtue of section 154 of the Courts Act, 1960 (C.A. 9); "act" includes an omission and references to the doing of an act shall be construed accordingly;

"affidavit", in the case of persons allowed by law to make an affirmation or declaration instead of an oath, includes such affirmation or declaration;

"bank holiday" means a day which is by law to be kept as a close holiday in all banks;

"commencement", in reference to an enactment, means the time at which the enactment comes into force;

"the common law" shall be construed in accordance with section 17 of this Act;

"Commonwealth country" means any of the members of the Commonwealth, other than Ghana, comprising the United Kingdom, Canada, Australia, New Zealand, India, Pakistan, Ceylon, the Federation of Malaysia, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone and any other country for the time being recognized as a member;

"consular officer" means consul-general, consul, vice-consul, consular agent, or any person for the time being authorised to discharge the duties of consul-general, consul or vice-consul;

"contravention", in reference to an enactment, includes a failure to comply with it;

"costs" includes fees, charges, disbursements, expenses and remuneration;

"country" has the meaning given to it by section 31 of this Act;

"court" means a court of competent jurisdiction;

"Crown Agents" means the Crown Agents for Oversea Governments and Administrations for the time being;

"customary law" shall be construed in accordance with section 18 of this Act;

"enactment" means an Act or statutory instrument or any provision of an Act or statutory instrument;

"export" means to take or cause to be taken out of the Republic by any means whatsoever;

"financial year" means a period of twelve months ending on the 31st day of December.[As amended by the Interpretation Act (Amendment) Law, 1982 (PNDCL 12), s.1]

"functions" includes powers and duties;

"Gazette" means an ordinary or an extraordinary issue of the Ghana Gazette and includes a Supplement;"goods " means all kinds of movable property;

"Government" includes any authority by which the executive power of the State is duly exercised in a particular case;

"Government Printer" means the printer authorised to print enactments;

"Government survey map" means a map made under an enactment providing for the survey of land on behalf of the Government;

"immovable property" means land;

"import" means to bring or cause to be brought into the Republic by any means whatsoever;

"individual" means a natural person and does not include a corporation;

"infant" means a person who has not attained the age of twenty-one years;

"land" includes land covered by water, any house, building or structure whatsoever, and any estate, interest or right in, to or over land or water;

"local authority" means a District Assembly or other authority established under the Local Government Act, 1993 (Act 462); or any other authority established in accordance with that Act.[As Amended by the Interpretation (Amendment) Act, 1961 (Act 92) s.5(a) and further amended by the Local Government Act, 1993 (Act 462), sch. 7)]

"Local government council" means a District Assembly or any other council established under the Local Government Act, 1993 (Act 462).[As substituted by the Local Administration Act, 1971 (Act 359), sch. 5 and further amended by the Local Government Act, 1993 (Act 462), sch. 7)]

"master", in reference to a ship, means any person, except a pilot or harbour master, having for the time being control or charge of the ship;

"midnight", in reference to a day, means the point of time at which that day ends;

"Minister", in relation to a Ministry the portfolio of which is held by the President, means the President;

"month" has the meaning given to it by section 23 of this Act;

"movable property" means property of every description, including growing crops, except land;

“oath”, in the case of a person allowed by law to make an affirmation or declaration instead of an oath, includes such affirmation or declaration;

“person” includes a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons as well as an individual;

“public holiday” means any day which is by law to be observed as a public holiday;

“public officer” means a member of any of the Public Services, namely, the Civil Service, the Judicial Service, the Police Service, the Local Government Service and such other services as may, pursuant to Article 51 of the Constitution, be constituted by Act of Parliament as Public Services of Ghana, and any other person declared by any enactment to be a public officer;

“registered dentist” means a person registered as a dentist under the law for the time being in force for the regulation of the dental profession;

“registered medical practitioner” means a person registered as a medical practitioner under the law for the time being in force for the regulation of the medical profession;

“ship” includes every description of vessel used in navigation not exclusively propelled by oars or paddles;

“signature” includes a mark and a thumbprint;

“Southern Ghana” means the area comprising the Eastern Region, the Western Region, the Central Region and the Volta Region;

“Statutory corporation” means a corporation established by Act of Parliament or under the Statutory Corporations Act, 1961 (Act 41). [As inserted by the Interpretation (Amendment) Act, 1961 (Act 92), s.5(b)]

“statutory declaration” means a declaration made in accordance with the Statutory Declarations Act, 1835;

“vessel” includes floating craft of every description;

“will” includes a codicil;

“writing” and expressions referring to writing include printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form;

“week” means the period between midnight on any Saturday and midnight on the next following Saturday;

“week-day” means a day which is not Sunday.

“year” has the meaning given to it by section 23 of this Act.

(2) In an enactment continued in force by the Constitution—

“Act ” or “ Act of Parliament ” includes an Ordinance, Order in Council, order, proclamation, rule, regulation or bye-law;

“Ordinance ” includes an Act.

Section 32A—Extension of 1981-82 Financial Year.

Notwithstanding anything to the contrary, and for the purposes of Government financial transactions the period commencing on the 1st day of July, 1982 and ending on the 31st day of December, 1982 shall be deemed to be part of the 1981-82 financial year. [Inserted and to be cited as the Intrepretation Act (Amendment) Law, 1982 (PNDCL 12), s.2]

Section 33—Commencement of this Act.

This Act shall come into operation at the same time as the Constitution.

Section 34—Repeals.

Each of the following is hereby repealed:

The Interpretation Act, 1957 (No. 29).

Section 14 (2) of the Statutory Instruments Act, 1959 (No. 52).

In paragraph 1 of the Table to section 4 of the National Assembly Act, 1959 (No. 78), the words “ other than a Minister or Parliamentary Secretary”.